

A. Abraham

The Office Action asserts that Abraham discloses the features of instant claims 1 and 8 based on the alleged general knowledge that benzanilide includes two phenyl groups, and by Abraham defining the principal chromophoric group of the compound as having a benzanilide nucleus. In particular, the Office Action alleges that the compound of the present invention is disclosed by Abraham "when X represents NH, Z represents a phenyl group substituted by a carboxyl group, and Y represents a phenyl group." Applicants respectfully traverse the rejection.

In Abraham, Y represents a non-substituted phenyl group. Nowhere does Abraham disclose, expressly or inherently, that Y represents a phenyl group substituted by a methoxy group or a fluorine atom.

In contrast, independent claim 1 and 8 each recite "Y represents a phenyl group substituted by a methoxy group or a fluorine atom." Thus, instant claims 1 and 8 are clearly not anticipated by Abraham.

Reconsideration and withdrawal of the rejection are earnestly solicited.

B. Baudet

The Office Action rejects claim 8 under 35 U.S.C. §102(b) as anticipated by Baudet. The Office Action asserts that instant claim 8 is fully disclosed by Baudet when X represents O, Z represents a phenyl group substituted by a carboxyl group, and Y represents a phenyl group substituted by a methoxy group. Applicants respectfully traverse this rejection.

Applicants note that the correct formula for Baudet should be as referred in Formula 4 of claim 4.

In Baudet, when X represents NH, Z represents a phenyl group substituted by a carboxy group; and Y represents a vinyl group substituted by a methoxy phenyl group.

In contrast, instant claim 8 recites "Y represents a vinyl group, substituted by a methyl group or a phenyl group." Thus, Baudet does not anticipate instant claim 8.

For at least the foregoing reasons, instant claim 8 is not anticipated by Baudet. Reconsideration and withdrawal of the rejection are earnestly solicited.

II. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claim 1, 3, 4, 8, 10 and 11 under 35 U.S.C. §103(a) as unpatentable over Sabatelli in view of Baudet. The Office Action asserts that Sabatelli discloses a broader genus than the instant claims, however, Baudet discloses a subgenus within the genus of Sabatelli, and substantially similar to the compounds recited in instant claims 1, 3, 4, 8, 10 and 11. In particular, the Office Action alleges that only difference between the compound of Baudet's claim 4, and those of instant claims 1, 3, 4, 10 and 11, is allegedly the location of the methoxy when Y or Y' is a phenyl; and the location of the methyl when Z is a phenyl. Applicants respectfully traverse the rejection.

This rejection is predicated on the notion that Sabatelli's deficiencies are remedied by Baudet's disclosure of formula IV as discussed in the rejection under 35 U.S.C. §102(b). However, as discussed above, Baudet does not anticipate instant independent claim 8, and thus would also not anticipate instant claim 1, respectively from which all other claims depend. Thus, this rejection is moot.

For at least the foregoing reasons, instant claims 1, 3, 4, 8, 10 and 11 would not have been unpatentable over Sabatelli in view of Baudet. Reconsideration and withdrawal of the rejection are earnestly solicited.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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